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Robert C. Kowert
Conley, Rose & Tayon, P.C.
P.O. Box 398
Austin, TX 78767-0398

EXAMINER

DANG, KHANH

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2111

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/753,867
Filing Date: January 02, 2001
Appellant(s): GUERRERO ET AL.

Robert C. Kowert
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/28/2004.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is updated in view of the 10/15/2004 revised brief. A correct statement of the status of the claims is as follows:

This appeal involves claims 1-4, 14, 16-20, 30, and 31.

Claims 5-13, 15, 21-29, and 32-39 are now objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 40 is also objected to, since its subject matter and that of claim 13 are allowable.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

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(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is substantially correct. The changes are as follows:

In view of the 10/15/04 revised brief, claims 5-13, 15, 21-29, and 32-39 are now objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 40 is also objected to, since its subject matter and that of claim 13 are allowable.

The rejection under 35 USC 112, second paragraph is hereby withdrawn.

(7) Grouping of Claims

Appellant's brief includes a statement that each group of claims set forth in pages 4-5 of the Appeal Brief do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8). It is again noted that in view of the 10/15/04 revised brief, claims 5-13, 15, 21-29, and 32-39 are now objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 40 is also objected to, since its subject matter and that of claim 13 are allowable.

(8) Claims Appealed

This appeal involves claims 1-4, 14, 16-20, 30, and 31.

The copy of the above appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6448672

Voegeli et al.

9-2002

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-4, 14, 16-20, 30, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Voegeli et al. (6,448,672). This rejection is set forth in a prior Final Office Action, mailed on 1/13/2004, and further discussed in the 3/25/2004 Interview.

With regard to claim 1, Voegeli et al. discloses a computer system, comprising: one or more devices (10) configured to assert a voltage request; an arbiter (4) configured to receive a plurality of voltage requests asserted by a plurality of the one or more devices (10), to choose a chosen voltage request and to output the chosen voltage request to one or more power supplies (6); and the one or more power supplies (6), wherein each of the one or more power supplies (6) is configured to receive the chosen voltage request and to provide a chosen voltage that corresponds to the chosen voltage request to one or more of the one or more devices (10). With regard to claim 2, see at least col. 3, lines 42-64. With regard to claims 3 and 31, see at least Fig. 7 and description thereof. With regard to claim 4, it is clear from Voegeli et al. that if only one

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request, the arbiter (controller) will select that one request without arbitration. With regard to claim 14, see col. 5, lines 30-35. With regard to claim 15, see at least Fig. 7. With regard to claim 16, see at least col. 7, lines 36-40. With regard to claims 17-20, one using the system of Voegeli et al. would have performed the same steps set forth in claims 17-20.

(11) Response to Argument

Background for Examiner's Response:

Relevant Law:

Claims subject to examination will be given their broadest reasonable interpretation consistent with the specification. *In re Morris*, 127 F.3d 1048, 1054-55 (Fed. Cir. 1997). In fact, the "examiner has the duty of police claim language by giving it the broadest reasonable interpretation." *Springs Window Fashions LP v. Novo Industries, L.P.*, 65 USPQ2d 1862, 1830, (Fed. Cir. 2003).

Claimed subject matter not the specification, is the measure of the invention. Disclosure contained in the specification cannot be read into the claims for the purpose of avoiding the prior art. *In re Sporck*, 55 CCPA 743, 386 F.2d, 155 USPQ 687 (1986).

Response to Appellant's arguments:

With regard to claim 1, Appellants argue that "[I]t is clear that if Voegeli's system includes two modules, A and B, and if module A requests voltage V1 while module B

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requests voltage V2, where V1 is not equal to V2, an un-resolvable conflict results and no power is supplied to the devices. On the other hand, if the same condition is present in the claimed system, the arbiter chooses one of the voltage requests, and outputs the chosen voltage request to the one or more power supplies so that a corresponding voltage will be supplied to the devices. Therefore, the claimed arbiter is not anticipated by Voegeli's controller. In the Telephone Interview of 3/22/04 between the Examiner and Applicants' representative, the Examiner referred to the example of col. 9, lines 61 through 67, in which Voegeli teaches one module 10 specifies a voltage range V1-V2 and another module specifies a specific voltage V3. The examiner referred to Voegeli's teaching that in this case the power system controller would resolve the potential conflict by supplying both modules 10 with voltage V3. However, in Voegeli's example cited by the Examiner, one module 10 specifies a voltage range of V1-V2, while the other module 10 specifies a single voltage V3, 'where V3 is within the V1-V2 range'. In contrast, claim 1 recites 'if any of the voltage requests asserted by the devices specify a voltage that is distinct from the voltage specified by any other of the voltage requests asserted by the devices'. Since Voegeli teaches that 'V3 is within the V1-V2 range', V3 is not distinct from V1-V2." Appeal Brief, pages 7-8.

Contrary to Applicants' argument, in Voegeli et al., the power system controller or "arbiter" 4 determines the power supply requirement parameters by first obtaining one or more module identification parameters from the modules or "devices" 10. The controller or "arbiter" 4 may then look up the corresponding power supply requirement parameters in a lookup table located on a ROM, for example, or in system

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RAM. Alternatively, the power system controller or "arbiter" 4 may retrieve power supply requirement parameters for each attached electronic circuit or module or "device" 10 using communications bus 12, such as an I2C bus. Power supply requirements provide the power system controller or "arbiter" 4 with power-on requirements of each electronic circuit or module or "device" 10 attached to power bus 8. Thus, power supply requirement parameters may be determined from the module identification parameter corresponding to each attached module or "device" 10 or may be provided directly by the modules or "devices" 10. The controller or "arbiter" 4 obtains power-on requirements corresponding to each attached electronic circuit 10.

The power-on requirements provide the controller or "arbiter" 4 with enough information to power the electronic circuit 10, such as a module identification number, voltage control parameter, turn-on sequencing control parameter, voltage delta control parameter, and a time delta control parameter. The voltage control parameter indicates the preferred rail voltage (i.e., max voltage requested by a module or "device" 10) of a electronic circuit 10 per conducting line within a bus 8. And in Voegeli et al., multiple modules or "devices" have different requirements and voltage demands/requests. Thus, it is clear at least one voltage request is distinct from other requests from other modules or "devices." As a matter of fact, In Voegelli et al., a module can be operated at a range of voltages while another module can only be operated at a specific single voltage. In another word, one device can request any voltage within a range (V1-V2) while another module can request only a specific single voltage (V3). It is clear that the requested one voltage (any voltage as long as it falls within the range V1-V2) and the requested

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specific single voltage (V3) are not necessarily the same. As long as the requested specific single voltage (V3) from one module falls within the range of voltages (any voltage within the range of V1-V2, and not necessarily the same as the single voltage V3) operated by another module, the controller will output a voltage supply. See Voegelli et al., col. 9, lines 61 through 67. After all, from a design standpoint, it does not make any sense to employ a device operated at a range of voltages (V1-V2) in Voegelie et al. when there is only one single voltage in the range of (V1-V2) can be used.

With regard to claims 3, 19, and 31, Appellants argue that "Voegeli does not teach each of the voltage requests from the devices comprises a voltage identification (VID) code." Contrary to Appellants' argument, from Fig. 7, and description thereof, particularly column 11, lines 43-47, the parameter register 19 (see Fig. 6) of module 10 "provides the controller 4 the module number [VID] using I2C protocol." It is clear that with this module number (VID) transmitted to the controller or arbiter 4 using I2C protocol, the controller can identify the request and determine which device or module (each device or module has its own ID stored to register parameter 19) the request is from so that voltage supply can be distributed accordingly. The controller or "arbiter" 4 can also detect the presence/absence of the modules or "devices" 10. If the module or "device" 10 is not present, the I2C bus 12 state is logic 0, and the controller or "arbiter" 4 recognizes that a module or "device" 10 is not present. However, if the module or "device" 10 is present, the I2C bus 12 is pulled up, and the I2C bus 12 state is logic 1, indicating module or "device" 10 presence. Note that in column 11, line 43, the parameter register 19 is mistakenly labelled "66" due to a typing/printing error. There is

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no parameter register other than the parameter 19 (Fig. 6). Further, there is no numerical reference "66" in the drawings.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



KD


November 23, 2004

Conferees



MARK H. RINEHART
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Khanh Dang
Primary Examiner



DONALD SPARKS
SUPERVISORY PATENT EXAMINER

Robert C. Kowert
Conley, Rose & Tayon, P.C.
P.O. Box 398
Austin, TX 78767-0398